

**BRIGHAM CITY PLANNING COMMISSION MEETING
TUESDAY, JANUARY 20, 2009 – 6:30 PM
BRIGHAM CITY COUNCIL CHAMBERS**

PRESENT:	Joan Peterson	Chairperson
	Barbara Poelman	Vice Chairperson
	Lynda Berry	Commissioner
	Deon Dunn	Commissioner
	Paul Fowler	Commissioner
	Larry Jensen	Alternate Commissioner
	Eve Jones	Alternate Commissioner

ALSO PRESENT:	Mark Bradley	City Planner
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EXCUSED:	Ruth Jensen	City Council Liaison
	Roger Handy	Commissioner
	Eliza McGaha	Secretary

AGENDA:

WORK SESSION – AGENDA REVIEW

REGULAR MEETING

PLEDGE OF ALLEGIANCE

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

PUBLIC COMMENT (*Per Utah Code, will receive input only, no decision can be made*) for items not listed on the agenda.

CONTINUATION OF APPLICATION #3085 / UPDATE AND REWRITE OF CHAPTER 29.13
COMMERCIAL DISTRICTS

DISCUSSION:

REGULAR MEETING:

Joan Peterson opened the regular meeting at 6:30 p.m. Larry Jensen led the Pledge of Allegiance. Ms. Peterson said that Barbara Poelman had been asked by the Mayor to serve as Vice Chair this year and Ms. Poelman consented to do so.

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES:

Ms. Poelman had a question on line 31 page 4 of the December 16, 2008 minutes; she did not recall having the concern as stated. Mr. Fowler agreed with that and commented that the wording had been that there was concern that Perry did not have residential and Brigham City did and the concern did not sound quite like it had been stated in the minutes. Ms. Poelman stated that her concern was that Perry would get all of the commercial and Brigham would have all the residential and some commercial.

MOTION: A motion was made by Paul Fowler to approve the December 16, 2008 regular meeting minutes. The motion was seconded by Larry Jensen and passed unanimously.

MOTION: A motion was made by Barbara Poelman to accept the January 06, 2009 work session minutes. The motion was seconded by Eve Jones and passed unanimously.

Ms. Berry commented that on lines 211, 219, 257 and 295 of the January 06, 2009 regular meeting minutes the sentences are begun with 'In regards to'. She said it looked like a way to synopsize the discussions but made the sentences a bit awkward and she asked if there was a better way to begin those sentences; in her opinion it made the sentences too long and hard to follow. It was suggested that the words 'regarding' or 'concerning' may be better terms to use rather than 'in regards to'.

MOTION: A motion was made by Barbara Poelman to accept the January 06, 2009 regular meeting minutes. The motion was seconded by Deon Dunn and passed unanimously.

PUBLIC COMMENT (*Per Utah Code, will receive input only, no decision can be made*):

A man in the audience said he was told the Commission would be discussing the West Forest Street Commercial District. Mr. Bradley clarified that he received a phone call regarding general zoning questions for multifamily dwellings on Forest Street which is in the General Commercial (GC) district. He said he explained to the caller that the current zoning ordinance allows for single family, duplex, triplex, and multifamily which are subject to the R-M-30 standards and the Planning Commission is considering changes to that chapter regarding elimination of those permitted uses. The public hearing on this item has been closed but Mr. Bradley said it would be up to the Chair to allow public comment. Ms. Peterson said she would entertain comments when that application is discussed.

There was no further public comment.

CONTINUATION OF APPLICATION #3085 / UPDATE AND REWRITE OF CHAPTER 29.13 COMMERCIAL DISTRICTS:

Mr. Bradley explained that one of the assignments from the previous meeting that Staff had addressed was the topic of boarding houses and homeless shelters. Boarding houses are a permitted use in the Rural Residential (RR-1, RR-5, and RR-10) zoning districts and are a conditional use in all other zones; they are not permitted in the Multiple Use (MU) and the manufacturing districts. There was a concern expressed at the previous meeting that homeless shelters would be eliminated from the community if they were eliminated as a non-permitted use in the GC and CBD and it was questioned where in the community they should be permitted if they are not allowed in the GC and CBD. Mr. Bradley stated that homeless shelters are currently permitted in certain locations within the city boundaries. Homeless shelters are a conditional use in all zones except the MU, Central Business District (CBD), and the manufacturing districts. Boarding houses and homeless shelters are uses that can be similarly addressed by other uses that are currently allowed that address children, youth, elderly, special needs, and women such as adult daycare facilities, assisted living centers, crisis nurseries, daycare centers, nursing homes, protective housing facilities, residential facilities for elderly, residential facilities for the disabled, and transitional housing facilities. By providing these particular services, Staff recommended that boarding houses and homeless shelters be a non-permitted use in the GC and CBD.

Mr. Bradley explained the difference between a homeless shelter and a transitional housing facility. A transitional housing facility provides temporary housing in order for a person to find work and get back on their feet. Mr. Bradley pointed out some things to consider such as various organizations that provide those types of needs, the uses that the City provides, and that people should utilize their family and friends if they have them; however, there are those who do not have family and friends available to

assist them. Some communities are better set up for those services than Brigham currently is. Mr. Bradley said Staff recommended considering the set up as well as what can be provided to those people if that type of use is provided.

Mr. Bradley said Staff reviewed the comments and concerns discussed in previous meetings concerning designated commercial zones being turned into multifamily housing areas. There are several areas zoned for multifamily which are R-M-7, R-M-15, and R-M-30. Staff proposed that if there is an area specified for multifamily housing it should be rezoned for that use rather than taking commercial areas within the commercial corridors and turning them strictly into residential developments.

Mr. Bradley went through the comments made by Economic Development Director Paul Larsen. In the corridor along Main Street, including part of West Forest, the zoning extends to 100 East and 100 West. Because of that, a commercial developer could come in and demolish a single family dwelling, which would be set back between 25 to 35-feet from the property line, then build a fairly decent size commercial building and extend it right up to the property line. If all the single family residential in that area was eliminated the status would change to nonconforming which would eventually dissolve that use in that area. Residents would not be allowed to add additions to the residence or build a garage; however, adding a garage could be a possibility by going through the Appeal Authority process. Mr. Bradley said he and Mr. Larsen were concerned with the number of residential single family dwellings along that corridor, some of which are historic.

The Planning Commission and City Council could consider keeping the existing single family dwellings as a permitted use which would allow them to expand. Then develop some design standards or an overlay zone for properties that front 100 East and 100 West in the areas between 300 South and 700 South, and 100 North to potentially 900 North. In doing so, they would have similar setbacks, building height, and other standards to be able to integrate and have compatibility between commercial and residential. In that area, the consideration would still be for the 2-family, 3-family, 4-family, multifamily, and group to no longer be permitted unless they are part of a commercial development similar to Upland Square. As part of a commercial development, minimum of 40-acres, a stand-alone residential use such as a townhomes or apartments would only be allowed through a conditional use permit and through a development agreement; no more than 30-percent of that site would provide housing which would prevent residential from being totally eliminated as part of a commercial development. A vacant parcel would no longer be allowed to be developed for a multifamily housing project. Building height is up to 35-feet in R-M-7, 55-feet in R-M-15, and 55-feet in R-M-30 which is similar to commercial.

The definitions and schedule of uses have been scheduled for public hearing. Some work needs to be done on the definition of Heritage in the CBD. The CBD purpose makes reference to the Redevelopment District Agency (RDA) and Mr. Bradley said Mr. Larsen suggested removing that wording because RDA is a tool for implementing things and really should not be in there. Some of the terminology has been changed from RDA to Community Development (CDA).

Under automobile and recreational vehicle sales services it should be clarified that displays can be outside and do not have to be enclosed. There was some question about the grammar and punctuation usage. Mr. Bradley explained that parentheses were used to make a reference to look at specific language and the italics were used with the intention of regulating it, and capitalization referenced the definition. Ms. Poelman suggested that the wording read, *incidental service and repair are to be conducted within enclosed buildings*, which would not leave room for doubt as to the meaning. Ms. Peterson agreed with that.

The dancehall category was discussed and it was decided it needed to be highlighted for clarification. The possibility of the dance academy building being used as a dancehall was discussed. Mr. Bradley

clarified that adult dance, which pertains to sexually oriented businesses, would fit within the chapter in a different zone. All cities are required to have some place for those types of businesses to be located.

It was suggested to remove commuter rail station because there will be a different zone for that. Mr. Jensen commented that bus terminal be removed and tied together with the commuter rail station. Mr. Bradley suggested that bus terminal could be stricken if there was no longer a need for that and bus stops could be included as a permitted use in the CBD.

Ms. Peterson commented that under automobile parts new or reconditioned it stated, *stored and conducted within an enclosed building*. She said that parts are not conducted and asked that the wording be changed. Mr. Jensen suggested adding the word 'business' before the word conducted.

Paul Christensen came to the table to comment in regards to the property he and his siblings own on Forest Street and 300 West. He said they would like to do something with that property that would benefit Brigham City and the community. He said they would like to do something that would be in keeping with the gateway aspects of that street. Mr. Christensen said that piece of property could have 8-units built there which is about what existed there in the past. His concern, given the size of the parcel and the commercial zoning, is that it will be hard to develop that parcel as a commercial piece. He said their hope, on a small parcel such as the one they own, would be that they could still build something with a higher density/multifamily as long as it keeps within the character and with something that would be expected on a street like Forest Street.

Mr. Christensen said they would like to build about 8-units there which would make the most economic sense for that space. Mr. Bradley said the zoning in that area is currently GC but is pending due to the changes that are being made; due to that, any applicants would be at the mercy of what the Planning Commission and City Council are going to do with the amendment. He said the challenge is whether or not the City wants to allow commercial corridors to have multifamily using some of the viable commercial areas. It would not limit what the Christensen family could do; it would still have a number of options through the commercial zoning. Ms. Poelman said that some time ago there was approval given on that property for a used car lot because it was a permitted use but it did not happen. Mr. Bradley commented that for the Christensen property, residential dwellings would be allowed if they were part of a commercial building which would be a site-specific conditional use.

Mr. Fowler commented that a professional building of some sort, with a mixed use, would be appropriate in that location. He said that there is no perfect answer no matter how it will be zoned and one of the things that they are striving to do is give uniformity in the code so there is a list of expectations of what is permitted and not permitted. Having a more uniform look throughout the city would raise property values as well as the interest in the city, making it easier for people to have commercial uses because it brings more people in. Mr. Fowler said business people want to see that uniformity because it helps guarantee them value and helps bring people to Brigham City. Mr. Christensen asked if they could apply for a nonconforming use no matter what is passed for the code. Mr. Bradley replied that as the building had been demolished some time ago, whatever they put on that property would have to comply with the current zoning.

Mr. Bradley explained that there is an overlay zone on West Forest as well as the design guidelines which is more for business parks with some retail. There was some discussion as to what could possibly be developed in that region.

Mr. Fowler asked about the RDA funds for the future. He said his business, as well as some others, is involved in getting new store fronts downtown and he asked if there would be a program to get the downtown landowners of the downtown businesses to participate in a historic renovation to get the store fronts looking great. Mr. Bradley replied that would fall under Paul Larsen's jurisdiction.

Ms. Poelman had a question on dwellings regarding residential facilities for elderly persons and why the commercial district was not extended to include the block across from the tabernacle. She asked if a facility like that could go in that location. Mr. Bradley replied that those are required to be a permitted use and could go in either zone.

Mr. Bradley continued to review the changes to the document. It was suggested to have historic existing single family residences remain as a permitted use in the area primarily in the CBD for the properties fronting 100 West and 100 East from 700 South to 300 South and 100 North to about 800 North. The objective would be to keep from putting single family homes in a nonconforming status and it would prevent single family homes from being converted into multifamily dwellings. He suggested creating an overlay zone and adding language that would allow residential to be part of a commercial development. Mr. Fowler suggested taking a deeper look at what they really want to accomplish for those particular blocks in the CBD. Mr. Fowler volunteered to make a map of the area in question and do a survey to see how many and what kind of properties they are talking about. An overlay zone to protect historic structures was suggested for that area.

Ms. Poelman suggested including both dance studio and martial arts studio or excluding them both. Mr. Fowler mentioned the parking problems that occur with those types of uses. It was suggested to move those uses, including gymnasiums and health clubs, from the CBD. The duplicate laundry entry will be removed as well as the laundromat use from the CBD. It was felt that the dry cleaning and pressing should stay in the CG district due to the chemicals that are used. It was suggested to have laundry agency removed from the GC and have laundry drop-off, dry cleaning, and pressing as permitted uses in the GC but not CBD. It was felt that social hall should be understood to accommodate dancing.

Ms. Berry asked why a crisis nursery is allowed as a conditional use in both districts but a daycare center is not permitted in the CBD. Mr. Bradley said he did not change that because it was existing and said he would have to look at the definition. Mr. Bradley read the definition of crisis care. Ms. Poelman said she thought they had decided to not allow that use in the downtown. It was suggested to remove that from the CBD and have it in the GC as a conditional use. The different types of rental uses were discussed.

Concerning solid walls or fencing for screening, Mr. Fowler commented that he would like to have something put in the ordinance that states if a commercial use is going to be put next to a residential use then a solid barrier should be installed between the two; at least a 6-foot barrier to isolate and protect the homeowner from the commercial business. It was determined that chain-link and vinyl would be inadequate so the barrier would need to be masonry.

Mr. Fowler commented that there should be an equation for multifamily units for a minimum green space allowance to improve the aesthetics of those uses. Mr. Bradley said that could be modified to be included in the residential requirements. It was decided that a public hearing would be set for the residential chapter to include that addition.

Ms. Berry said she would like the parking ordinance modified to include visitor parking in townhouse and apartment complexes as well as something to address problems with snow removal.

MOTION: A motion was made by Barbara Poelman to continue application #3085 to the February 03, 2009 meeting. The motion was seconded by Paul Fowler and passed unanimously.

DISCUSSION:

There was no discussion.

MOTION: A motion was made by Lynda Berry to adjourn. The motion was seconded by Larry Jensen and passed unanimously.

The meeting adjourned at 8:30 p.m.

This certifies that the regular meeting minutes of January 20, 2009 are a true and accurate copy as approved by the Planning Commission on March 03, 2009.

Signed: _____

Jeffery R. Leishman, Secretary